

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
ANDRE M. DAVIS  
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE  
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April 22, 2003

MEMORANDUM TO COUNSEL RE:

Brittingham v. McGeeney  
Civil No. AMD 02-4055

I thank Mr. Breads for his letter dated April 14, 2003.

The Clerk has now confirmed that the notation on the docket of a "second amended complaint" was an error. That notation has now been corrected.

I did not bother to check the docket before entering my (misdated) April 12, 2003, Order denying the open motions to dismiss because Mr. Sandul had not bothered to file an opposition to the renewed motion to dismiss the amended complaint. I assumed that he had indeed filed a "second amended complaint." The motion to dismiss the second amended complaint had been filed on February 27, 2003; the opposition was due on or before March 17, 2003.

Frankly, Mr. Sandul appears to be somewhat asleep at the wheel; according to the docket, even today there has yet to be service on defendants McGeeney and Town of Centreville. *But see* Fed.R.Civ.P. 4(m).

In any event, I will afford plaintiff an additional 21 days within which to perfect service on the unserved defendants (before dismissing as to them) or to file proper returns. All defendants may answer, move or otherwise respond to the amended complaint on or before May 2, 2003, or within 20 days of service of process, whichever is latest.

Very truly yours,

/s/

Andre M. Davis  
United States District Judge

AMD:tt